

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHADEESHA BROWN,

Plaintiff,

- against -

THE CITY OF NEW YORK, BRIAN McALEAR,
KEITH HOCKADAY, JOAQUIN MORALES,
ROBERT DOWNES, THOMAS ALBANO,
GERARD FLOOD, WILLIAM HART, TIMOTHY
MURPHY, and KENYETTA ROUSE,

Defendants
-----X

11CV1068(AJN)

**DECLARATION OF
EUGENE M. BELLIN**

Eugene M. Bellin, an attorney admitted to practice before the Courts of the Sate of New York and before this Court, declares, under penalty of perjury, pursuant to 28 U.S.C. §1746, the following:

1. I am of counsel to the firm of Michelstein & Associates, PLLC, attorneys for plaintiff Shadeesha Brown.

2. I respectfully submit this Declaration in support of the plaintiff's motion to review the Judgment Clerk's award of costs to the defendants and to strike the award of costs for daily copy transcripts of the trial of this matter.

3. The trial of this action began on May 28, 2013, with jury selection, opening statements and testimony, and continued with testimony on May 29 and testimony, closing statements, the jury charge and deliberations on May 30, 2013.

4. Throughout this three-day trial, the defendants were represented by four attorneys present in the courtroom and, during at least part of the trial, a paralegal.

5. Attached hereto as Exhibit 1 is a copy of the Bill of Costs docketed by the Clerk of the Court on July 31, 2013.

6. Attached hereto as Exhibit 2 is a copy of the defendants' application for costs submitted to the Judgment Clerk of this court, consisting of a Notice of Defendants' Application for Costs Sought Against Plaintiff, the Declaration of Linda Regis-Hallinan, and exhibits labeled A through H.

7. The basis for the defendants' claim for costs for daily transcripts is contained in three invoices from the court stenographer labeled Exhibits F, G and H to the Declaration of Linda Regis-Hallinan, which is Exhibit 2 to this motion. The invoices reflect the following amounts for the following dates:

5/28/2013	Original	1,444.38	Real Time Unedited Trans.	552.05
5/29/2013	Original	1,947.12	Real Time Unedited Trans.	744.20
5/30/2013	Original	333.66	Real Time Unedited Trans	253.15.

The total amount for "Original" is \$3,725.16. The total amount for "Real Time" is \$1,549.40.

In their request for a Bill of Costs, the defendants included the totals for both "Original" and "Real Time", or \$5,274.56.

8. Attached hereto as Exhibit 3 are the Declaration of Eugene M. Bellin and the Memorandum of Law submitted by plaintiff Shadeesha Brown in opposition to the defendants' application for costs.

9. The Bill of Costs (Exhibit 1) docketed by the Clerk of the Court included the sum of \$3,725.16 for fees of the court reporter for "Original" transcripts.

10. In view of the short duration of the trial and the substantial workforce counsel for the defendants maintained in the courtroom throughout the trial, the daily transcripts were solely for

the convenience of counsel, were not necessarily obtained, and should not have been taxed as a cost.

(See the accompanying Memorandum of Law.)

11. For the foregoing reasons, the costs for the transcripts of the trial should be stricken from the Bill of Costs in this matter.

Dated: August 14, 2013

s/ Eugene M. Bellin

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